

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department - Adilabad District- Revision Petition filed by Sri Perka Shanker S/o Late Shivanna R/o. Pippaldari (V), Adilabad(M) and District aggrieved by the orders of the Additional Agent to Government, Adilabad District Proc.No.A4/12/1999 dt.29.07.2006 - Dismissed - Dismissed - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 37

Dated: 03-10-2018

Read the following:-

- 1)Revision Petition filed by Sri Perka Shanker S/o.Late Shivanna R/o. Pippaldari (V), Adilabad(M) and District. Dt:19.12.2006.
- 2)Govt.Memo.No 15191/LTR.2/2006-1&2, dt 20.02.2007.
- 3)From the Addl.Agent to Government, Utnoor, Adilabad District. Lr.No.A4/12/1999, Dt:28.04.2007.

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ORDER

In the reference 1st read above, Sri Perka Shanker S/o.Late Shivanna R/o. Pippaldari (V), Adilabad(M) and District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Utnoor, Adilabad District issued in Proc.No.A4/12/1999 dt.29.07.2006 in respect of land to an extent of 5-00 acres in Sy.No.12/3 situated at Pippaldhari Village of Adilabad Mandal and District.

2. In the reference 2nd read above, the Project Officer & Additional Agent to Government, Adilabad District was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Additional Agent to Government, Utnoor, Adilabad District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- Basing on the report of the Mandal Revenue Officer, Adilabad, the Special Deputy Collector (TW), Adilabad Head quarters: Utnoor registered a case in TW A2/880/96 under the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended Regulation 1 of 1970 for an extent of 5.00 acres in SY.No.12/3 of Pippaldhari Village of Adilabad Mandal and District against Perka Shivanna S/o Bheemanna, the non-tribal enjoyer of the suit land.
- The land in SY.No.12 was classified as "Mahsoora" land (forest land). Hence the Special Deputy Collector (TW) Adilabad quarters: Utnoor passed orders dt 21.05.1997 in TW A2/880/96 for ejectment of the respondent Perka Shivanna from the suit land acres 5-00 in SY.No.12/3 of Pippaldhari Village and directed to take the suit land into Government custody.
- Aggrieved by the orders of the Special Deputy Collector (TW), Adilabad quarters: Utnoor Sri Perka Shivanna preferred an appeal before the Agent to Government and District Collector, Adilabad which was subsequently transferred to the Additional Agent to Government and Project Officer, ITDA Utnoor.
- Meanwhile Sri Perka Shanker filed WP No 14811/2005 before the Hon'ble High Court AP Hyderabad and the Hon'ble High Court directed the Additional Agent to Government and Project Officer, ITDA Utnoor to dispose of the appeal within periods of 3 months and pending disposal of the appeal that the petitioner shall not be dispossessed from the Scheduled land.
- The Project Officer, ITDA, Utnoor considered the case in the time and disposed of the case No. A4/12/1999 on 29-07-2006 and rejected the claim of the appellant upholding the orders of the lower court Special Deputy Collector(TW), Adilabad Head quarters: Utnoor for ejectment of the appellant from the suit land Sy.No.12/3 acres 5-00 of Pippaldhari Village of Adilabad Mandal and District to take into Government custody.
- Aggrieved by the orders dt 29-07-2006 of the Additional Agent to Government and Project Officer, ITDA Utnoor Sri Perka Shanker S/o Late Shivanna filed Revision Petition before the Government of AP as legal representative of Perka Shivanna.

(p.t.o.)

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4 The remarks of the Additional Agent to Government, Utnoor, Adilabad District on the Revision Petition are as follows:

- The Special Deputy Collector (TW), Utnoor examined the case in detail and noticed that the land in SY.No.12/3 of Pippaldhari Village of Adilabad Mandal and District was classified as "Mahsoora" land (forest land) as per the pahani 1967-68 and 1968-69. Since the government land cannot be transferred illegally to any one and the Special Deputy Collector (TW), Utnoor has passed order dt:21.05.1997 in TW A2/880/96 and directed to take the land into Government custody.
- The appellant court Project Officer, ITDA, Utnoor has gone through all the records produced by the Petitioner's father and heard the petitioner and verified the original records i.e. pahani and then come to a conclusion and found the clear contravention of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended Regulation 1 of 1970.
- The lower court Special Deputy Collector(TW) Utnoor has reported that the suit bearing Sy.No.12/3 is a Mahsoora land i.e. forest land hence the question of declaration of protected tenant by his father over the government forest land is not tenable.
- Therefore, the Project Officer, ITDA, Utnoor has prayed the Government to dismiss the Revision Petition, because the petitioner claiming the protected tenant rights on the Government forest (Mahsoora) land which is not tenable and to pass such order or orders in the interest of natural justice to reflect among on other non-tribals that they would not to repeat likewise mistake in future due course.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, observed that the entire case records wherein orders passed by the lower court, the appellate authority and also the grounds urged by the Petitioner in the Revision Petition, there is no any valid or substantiating grounds in the Revision Petition.

6. Therefore, Government after careful examination of the matter here by rejects the Revision Petition filed by Sri Perka Shanker S/o.Late Shivanna R/o. Pippaldari (V), Adilabad(M) and District accordingly and hereby upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Utnoor issued vide Proc.No.A4/12/1999 dt.29.07.2006.

7. The Additional Agent to Government and Project Officer, ITDA, Utnoor, Adilabad District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

1) Sri Sri Perka Shanker S/o.Late Shivanna
R/o. Pippaldari (V), Adilabad(M) and District.

2) The Project Officer, ITDA and Additional Agent to Government,
Utnoor, Adilabad District(w.e.)

Copy to :

The Special Deputy Collector(TW), Utnoor, Adilabad District.
for information and necessary action.

The Tahsildar, Utnoor, Adilabad District for necessary action.

The Government Pleader for TW, High Court, Hyderabad.

Sri S.Chandra Sekhar, Advocate,
16-11-511/D/288, Sanghi Niwas, Shalivahana Nagar,
Street No.13, Moosaram Bagh, Dilsukhnagar,
Opp:Punnam Shalivahana Towers, Hyderabad-500 036

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER